

ATTACHMENT 1

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

**PRESENT: Supervisors**

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DENYING THE APPEALS OF WILTON AND HELEN WEBSTER, AND  
RON JOLLIFFE AND COLLEN RUNYEN, AFFIRMING THE DECISION OF THE  
PLANNING DEPARTMENT HEARING OFFICER, AND CONDITIONALLY  
APPROVING THE APPLICATION OF WILLOW CREEK NEWCO, LLC FOR A MINOR  
USE PERMIT DRC2013-00028.

The following resolution is now offered and read:

WHEREAS, on April 17, 2015, the Planning Department Hearing Officer of the  
County of San Luis Obispo (hereinafter referred to as the Planning Department Hearing  
Officer) duly considered and conditionally approved the application of Willow Creek  
NewCo, LLC for Minor Use Permit DRC2013-00028; and

WHEREAS, Wilton and Helen Webster and Ron Jolliffe and Collen Runyen have  
appealed the Planning Department Hearing Officer's decision to the Board of  
Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of  
Supervisors) pursuant to the applicable provisions of Title 22 of the San Luis Obispo  
County Code; and

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WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 2, 2015 and continued to July 7, 2015, and determination and decision was made on July 7, 2015; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeals and finds that the appeals should be denied and the decision of the Planning Department Hearing Officer's be affirmed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Mitigated Negative Declaration prepared for this project represents the independent judgment and analysis of the County as Lead Agency and that it is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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4. That the appeals filed by Wilton and Helen Webster, and Ron Jolliffe and Collen Runyen are hereby denied, that the decision of the Planning Department Hearing Officer is affirmed, and that the application of Willow Creek NewCo LLC for Minor Use Permit DRC2013-00028 is hereby approved subject to the conditions of approval set forth in revised Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

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APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: June 25, 2015

STATE OF CALIFORNIA,                    )  
  ) ss.  
County of San Luis Obispo,            )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk  
of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do  
hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of  
Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this  
day of \_\_\_\_\_, 20\_\_.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

By \_\_\_\_\_  
Deputy Clerk.

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### FINDINGS - EXHIBIT A FINDINGS FOR MINOR USE PERMIT/ DRC2013-00028

#### Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report was not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 26, 2014 for this project and is hereby approved. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, hazards/hazardous materials, public services/utilities and water/hydrology and are included as conditions of approval.

#### Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed expansion of the existing agricultural process facility, events with up to 200 guests, and retail sales does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the expansion of the existing agricultural process facility, the allowance of events is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Vineyard Drive, a collector road constructed to a level able to handle any additional traffic associated with the project

#### Winery Modifications

- G. A setback modification (Section 22.30.070.D.d.1) that requires a winery with public tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet during Phase II is justified because the

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project is located on a collector road. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence). Implementation of the reduced setback would not result in any significant impacts. A modification that requires a tasting room during Phase II (Replacement Barn) to be located greater than 200 feet from the property line to allow 93 feet side setback is justified because the property fronts a collector road (Vineyard Drive). Implementation of the reduced setback would not result in any significant impacts.

### Design Modification

- H. A modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area is justified because the applicant is increasing olive production is located on a collector road, and the use is incidental to the primary use. Implementation of the modification to the design standards would not result in any significant impacts.

### Agricultural Retail Sales Setback Modification

- I. A modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet is justified because the project is located on Vineyard Drive, a collector road. Implementation of the reduced setback would not result in any significant impacts (Replacement Barn Phase II).

### Williamson Act / Contracted Land / Compatible Uses

- J. The proposed project will include the expansion of the agriculture processing and the visitor serving uses and limited number of events that will utilize existing structures and will include construction of new structures that will be developed within an existing 1.3 acre footprint on a 120 acre parcel. The primary use on-site will be the processing of 45 acres of olives grown on-site into olive oil and the processing of olives grown off-site into olive oil.

Agricultural processing (including olive processing, olive tasting, winery, wine tasting facilities, and farm stand/agricultural retail sales), as well as temporary events, are allowed as "agricultural and compatible uses" by Table 2 of The San Luis Obispo County Rules of Procedure to Implement the Land Conservation Act of 1965. The project will not compromise the long term productive agricultural capability of the contracted land. The project will not impair current or foreseeable agricultural operation on the property. The project will not result in the significant removal of on-site or off-site agricultural uses. Therefore, the project complies with the intent of the Laird Bill, as the primary use is and will remain in agriculture.

### Mitigated Negative Declaration

- K. The revised project does not change the conclusion of the Mitigated Negative Declaration. Substantial evidence in the record indicates that the project's impacts, including its revisions, will have less than a significant impacts and the Mitigated Negative Declaration is still appropriate. The project's Conditions of Approval have been modified to reflect the revised project.

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### EXHIBIT B - CONDITIONS OF APPROVAL

#### **Approved Development**

1. This approval authorizes the phased expansion of an existing agricultural processing facility (olive oil and wine). Construction is proposed to include demolition and replacement of an existing 6,820 square foot (sf) barn and two new buildings (2,600 sf and 3,000 sf) that will include processing areas, tasting room, retail sales, commercial kitchen, office, and storage. The project also includes a request for 20 temporary events annually with no more than 200 guests per event and to allow for the processing of off-site olives. The project will result in the disturbance of approximately 3.5 acres on a 120 acre parcel.

All events allowed on this site include the following:

<b>Types of Events</b>	<b>Number of Events</b>	<b>Number of Guests</b>
Temporary Events	20	With up to 200
<b>Winery Related Events</b>		
Industry-wide	3	With up to 200
Winery Pick-Up	3	With up to 200
Winemaker Dinners	12	With up to 75
Other Activities	12	With up to 50
<b>Other Events</b>		
Non-Profits	2	With up to 200

#### **Phase I (1 to 5 years)**

- a. Construction of a 3,000 sf commercial agricultural production and storage building (for wine and/or olives);
- b. Continuation of annual wine production of 5,000 cases and an annual production of 200 tons of olives for processing;
- c. Processing of off-site olives;
- d. Demolition of an existing agricultural barn (may occur during Phase I or Phase II);

#### **Phase II (5 to 10 years)**

- e. Construction of a 6,820 sf building (Replacement Barn) to include:
  - 1) 3,091 sf wine processing and ag storage area;
  - 2) 1,787 sf tasting room;
  - 3) 627 sf storage room;
  - 4) 1,315 sf commercial kitchen, and restrooms;
  - 5) Access, parking, and utility improvements;
  - 6) Conversion of the existing tasting room (in Mill Barn) into offices upon

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completion of new tasting room;

- f. Up to 20 one day Temporary Events with no more than 200 guests (upon completion of secondary access) as defined by the Temporary Event standards in Section 22.30.60 of the Land Use Ordinance;
- g. This authorization for Temporary Events, once vested, shall remain valid for a period of 10 years from its effective date;

### Phase III (10 to 15 years)

- h. The construction of a 2,600 sf building to include:
  - 1) 1,900 sf tasting and retail room;
  - 2) 460 sf storage room;
  - 3) 140 sf office;
  - 4) 100 sf for restrooms;
  - 5) 1,540 sf outdoor terrace;
  - 6) Convert existing tasting room in barn (from Phase II) into storage;
- i. A waiver modification from the Design standards (Section 22.30.075.B.1) to allow 1,900 sf of retail sales area;
- j. A waiver modification from the setbacks that requires Agricultural Retail Sales (Section 22.30.057.B.4) to be located no closer than 400 feet to an existing residences outside the ownership of the applicant to allow 307 feet.
- k. A waiver setback modification (Section 22.30.070.D.d.1) that requires a winery tasting room to be located no closer than 400 feet to an existing residence outside the ownership of the applicant to allow 307 feet during Phase II. A modification is not required upon completion of Phase III (the detached tasting room would be located 486 feet from the nearest residence).

### **Conditions to be completed prior to issuance of a construction permit**

#### **Fees**

- 2. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

#### **Biological Resources**

- 3. **BR-1 Prior to issuance of construction and/or grading permits**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate which oak trees are to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline). Oak trees within 50 feet of grading activities, which are not designated for removal, shall be fenced and flagged for protection prior to permit issuance. Fencing shall be clearly shown on the grading plans to be located at the root zone for trees not designated for removal. For impacted trees, where grading activities will occur within the root zone, fencing may be placed at the limits of grading activities. Any tree removal associated with CDF/County Fire vegetative clearance/modification requirements shall also be considered on the plans.



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4. **BR-2 Prior to issuance of construction and/or grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
- a. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
    - i. Show replacement, in kind, of removed oaks at a 4:1 ratio (13 removed: 52 replaced) with 1 gallon saplings.
    - ii. Show replacement, in kind, of impacted oaks at a 2:1 ratio (25 impacted: 50 planted) with 1 gallon saplings.
    - iii. A total of 94 oak shall be planted, show replacement of 10 coast live oaks and 84 valley oaks.
  - b. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).
  - c. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
  - d. Size – Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.
  - e. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
  - f. Maintenance – Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding of at least a three foot radius out from the planting, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).
  - g. Irrigation/Watering – Irrigation details shall be clearly shown on the plans. Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period.
5. **BR-3 Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and

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determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

### Bats

6. **BR-13 Prior to issuance of construction and/or grading permit for the appropriate phase**, to ensure the project does not adversely affect bats, the following measures shall be implemented:

- a. All trees and structures will be surveyed by a qualified biologist at least one week prior to branch trimming, tree removal, demolition or maintenance to a structure. This is consistent with the measures prescribed for nesting birds. If a bat is discovered, it will be allowed to leave the area or structure on its own without further disturbance. If a day roost is discovered, exclusion methods may be employed September 1 through March 1. Exclusion methods must ensure that no bats are harmed or trapped in the process and that the biologist is present during the process. Once the bat(s) has left the work area, exclusion methods such as covering the cavity with netting or sealing it with concrete may be feasible, but will require approval and oversight by the project biologist. If a day roost is discovered, no exclusion methods shall be employed and no disturbance shall be allowed March through August.

### Health Department

7. **Prior to issuance of a construction permit** for the appropriate phase, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:

- a. A Hazardous Materials Questionnaire.
- b. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
- c. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
- d. If water is made available to 25 or more employees at any one time, or to members of the public, then the applicant shall be required to have public water supply system.
- e. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.
- f. **(W-1) Prior to holding any temporary events**, the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact the Environmental Health Department to determine if an annual permit will be required for the water supply at this facility.

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### **Conditions required to be completed at the time of application for construction permits**

#### **Access**

8. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

#### **Drainage**

9. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
10. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

#### **Site Development**

11. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, preliminary grading plan and landscape plan.

#### **Services**

12. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

#### **Fire Safety**

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CAL FIRE/County Fire Department for this proposed project and dated August 26, 2014.

#### **Agricultural**

14. **AG-1 At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicated the following and development shall be consistent with the revised and approved plan.
  - a. Event overflow parking shall be located at least 100 feet from the southern property line to reduce impacts to adjacent agricultural operation (as shown in the overflow parking site plan).

#### **Visual**

15. **V-1 At the time of application for construction permits**, submit a revised lighting plan to the Department of Planning and Building for review and approval. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
  - a. No up-lighting of any oak trees and signs.

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### **Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

#### **Access**

16. **Prior to occupancy or final inspection**, the Vineyard Drive primary driveway approach shall be constructed in accordance with County Public Improvement Standard B-1e. The secondary access driveway is to be constructed to a B-1 Standard. All driveway approaches constructed on County roads shall require an encroachment permit.
17. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

#### **Waste Water Discharge Permit**

18. Prior to final inspection of Phase I, the applicant shall submit documentation of a Waste Water Discharge permit, or waiver for the olive processing and winery processing issued by the Regional Water Quality Control Board.

#### **CAL FIRE**

19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

#### **Planning and Building Inspection**

20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

#### **Oak Trees**

21. **BR-4 Once trees have been planted**, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
22. **BR-5 Prior to final inspections or occupancy, whichever occurs first**, replacement trees shall be installed or bonded for in compliance with the approved tree replacement plan. If bonded for, installation shall be completed within 60 days of bonding.
23. **BR-6 Prior to final inspections, or prior to release of bonding (if applicable)**, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a three-foot radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for each new plant. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed-mat.

### **On-going conditions of approval (valid for the life of the project)**

#### **Time Frames**

24. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use

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permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

25. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

### **Access**

26. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.

### **Storm Water Control**

27. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

### **Noise**

28. Amplified music shall only be allowed inside of the Replacement Barn. The replacement barn's doors located on the south side shall remain closed during events that play amplified music.

### **Events**

29. **N-2** The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:
  - a. A complete listing of all scheduled events including dates, times and number of attendees;
  - b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
  - c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
  - d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

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30. Temporary Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.
31. Temporary Events shall last no more than one day each; however, rehearsals may occur the day prior and are not considered an event. Rehearsals shall not include amplified music, and shall be minor in nature and shall be limited to 50 persons maximum.
32. No parking is allowed on Vineyard Drive.
33. In no event are more than 200 people allowed on-site at any time.
34. Any activities associated with any future vacation rental shall be limited to 50 people or less.

### **Developmental Burning**

35. The APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

### **Recycling**

36. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

### **Gate**

37. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be setback a minimum of 75-feet from the nearest edge of traveled way of any road open to public traffic. All gates must conform to CAL FIRE requirements.

### **Outdoor Storage**

38. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.

### **Pomace**

39. Solid vegetable waste from the winery (pomace) and olive facility (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.
40. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.

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41. **BR-7** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, **on an annual basis**, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator **one year after the initial planting** and thereafter **on an annual basis** until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
42. **BR-8** The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.
43. **BR-9** Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
44. **BR-10** All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
45. **BR-11** Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within the fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
46. **BR-12** To minimize impacts to the sensitive oak woodland understory habitat (e.g. maritime chaparral, coastal scrub), the applicant agrees to the following during construction/ tract improvements and for the life of the project:
  - a. All native vegetation removal shall be shown on all applicable grading/ construction plans, and reviewed/ approved by the County (Planning and Building Dept.) before any

## ATTACHMENT 1

work begins.

- b. Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/construction plans.
- c. Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF/County Fire. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

### **Commercial Kitchen**

47. This approval does not allow the commercial kitchen to function as a restaurant (limited food service facility). The commercial kitchen is established as a secondary use to support the agricultural processing facility (olive oil and wine) and other permitted events and not function as a stand-alone restaurant where made to order meals are served.

### **Defense and Indemnity of the County**

48. **Within ten (10) days of final approval of this minor use permit**, the applicant shall, as a condition of approval, enter into an agreement, in a form approved by County Counsel and executed by the Chair of the Board of Supervisors, providing for the defense and indemnity, at the applicant's sole expense, against any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to or arising out of the approval or implementation of this minor use permit. The agreement shall provide that the applicant shall indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement.